

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to public transit

The Department of Transportation hereby amends Chapter 923, “Capital Match Revolving Loan Fund,” and Chapter 924, “Public Transit Infrastructure Grant Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 307.12 and 1985 Iowa Acts, chapter 265.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 324A and 1985 Iowa Acts, chapter 265.

Purpose and Summary

The amendments to Chapter 923 correct the name of the Public Transit Bureau and clarify that primary documentation must be kept for a period of three years following contract closeout. The other amendments to this chapter concern the project eligibility criteria. The project must be included in the public system’s adopted transportation improvement program, and the criterion requiring that the project be part of a statewide program is stricken because it is no longer needed. If the project was included by the transit agency in its adopted transportation improvement program, the project is then automatically included in the statewide program of transit projects.

The amendments to Chapter 924 amend the definition of “public transit system” so that it means the same as the definition in Iowa Code chapter 324A, correct the name of the Public Transit Bureau, add a new subrule stating that no public transit system may receive more than 40 percent of the funding available in one year to match the guidance the Department has given the public transit agencies for years, and add an explanation of where the useful life thresholds of transit structures and facilities can be found to ensure applicants are aware of long-term commitment.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 16, 2020, as **ARC 5313C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on February 9, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 14, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 923.1(2) as follows:

923.1(2) Information. Requests for information about and for assistance with the preparation and submission of loan requests should be directed to the ~~Office of Public Transit Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870. Information is also available on the department's website at www.iowadot.gov.

ITEM 2. Amend subrule 923.3(2) as follows:

923.3(2) The transit system maintains primary documentation for all revenues and expenses for a period of at least three years following contract closeout.

ITEM 3. Amend rule 761—923.4(71GA,ch265) as follows:

761—923.4(71GA,ch265) Project eligibility.

923.4(1) A project is eligible if it meets all of the following criteria:

- a. No change.
- b. The project meets an identifiable transit need that has been included in the public transit system's ~~planning or programming document~~ adopted transportation improvement program.
- ~~c. The project is part of a statewide program of transit projects which has been adopted by the transportation commission.~~
- ~~d. c.~~ The local funding needed for the project justifiably exceeds the public transit system's annual capital match funding capability.

923.4(2) No change.

ITEM 4. Amend rule **761—924.2(324A)**, definition of "Public transit system," as follows:

"Public transit system" means ~~one of the regional transit systems or urban transit systems designated under~~ same as defined in Iowa Code section 324A.1.

ITEM 5. Amend rule 761—924.3(324A) as follows:

761—924.3(324A) Information and forms. Information, instructions, and application forms are available from the ~~Office of Public Transit Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870; or the department's ~~Web site~~ website at www.iowadot.gov.

ITEM 6. Adopt the following **new** subrule 924.10(4):

924.10(4) No single public transit system may receive more than 40 percent of the funding available in one year.

ITEM 7. Amend subrule 924.16(3) as follows:

924.16(3) Ownership. The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred to a subcontracted entity or is sold before the useful life has expired, the transit system must repay the prorated state interest to

the department. Useful life thresholds can be found in the department's transit manager's handbook, available on the department's website at www.iowadot.gov.

[Filed 2/11/21, effective 4/14/21]

[Published 3/10/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/10/21.